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February 8, 2006

By Express Mail (EV 606050338 US)

BOX TTAB FEE
Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: New York Yankees Partnership
Notice of Opposition Against
Mark A. Sobieski's
Application to Register SKANKEES
Attorney Ref. No. 21307.033

Dear Commissioner:

We enclose an original Notice of Opposition against Application Serial Number 78/508,136, published in the Official Gazette of October 11, 2005. We also enclose a check to cover filing fees.

If the enclosed check is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.



02-08-2006

U.S. Patent & TMOc/TM Mail Rcpt Dt. #26

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21307/033/736402.1

Cowan, Liebowitz & Latman, P.C.

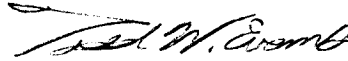
Commissioner for Trademarks

February 8, 2006

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Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,



Todd W. Evans

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

Ref. No. 21307.033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 78/508,136

Filed: October 29, 2004

For Mark: SKANKEES

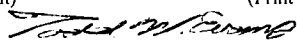
Published in the Official Gazette: October 11, 2005

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NEW YORK YANKEES PARTNERSHIP, :
:
Opposer, :
:
:
v. : NOTICE OF OPPOSITION
:
MARK A. SOBIESKI, :
:
Applicant. : Opposition No.
-----X

Commissioner for Trademarks
Attention: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Opposer, New York Yankees Partnership, an Ohio limited partnership, with offices at 161st Street, Yankee Stadium, Bronx, New York 10451, believes that it will be damaged by the registration of the word mark SKANKEES in International Class 25 for “t-shirts, jerseys, and caps” as shown in Application Serial No. 78/508,136 (the “Application”) and having been granted an extension of time to oppose up to and including February 8, 2006, hereby opposes the same.

02/14/2006 HPHMM1 00000098 78508136
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“Express Mail” Mailing Label Number EV 606050338 US
I hereby certify that this paper or fee is being deposited with the United States Postal Service “Express Mail Post office to Addressee” service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on
February 8, 2006 Todd W. Evans
(Date of Deposit) (Print name)

(Signature)

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of the renowned NEW YORK YANKEES MAJOR LEAGUE BASEBALL team.
2. Since long prior to October 29, 2004, Applicant's constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have used the marks YANKEE and YANKEES, either alone or with other words, letters and/or designs ("Opposer's YANKEES Marks") in connection with baseball game services, t-shirts, jerseys and caps and a wide variety of other goods and services, including, without limitation, clothing, paper goods and printed matter, toys and sporting goods.
3. Opposer owns U.S. Federal registrations and applications for Opposer's YANKEES Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34 and 41; namely, Application Serial Nos. 78/637,659, 78/637,661, 78/637,662, 78/637,663, 78/637,664, 78/637,654, 78/637,656 and 78/637,653 and Registration Nos. 3,022,847, 3,022,848, 2,994,114, 2,970,918, 2,575,644, 2,940,306, 2,867,047, 2,867,048, 2,843,353, 2,858,237, 2,632,493, 2,309,488, 2,889,384, 2,866,959, 2,886,760, 2,368,952, 1,671,731, 1,542,501, 1,550,798, 1,161,865, 1,073,346 and 1,032,767. Registration Nos. 1,671,731, 1,542,501, 1,550,798, 1,161,865, 1,073,346 and 1,032,767 are incontestable.
4. Since long prior to October 29, 2004, Applicant's constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's YANKEES Marks, including, but not limited to, baseball game services, t-shirts, jerseys and caps and a wide variety of other goods and services, including,

without limitation, clothing, paper goods and printed matter, toys and sporting goods, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's YANKEES Marks, Opposer has built up highly valuable goodwill in Opposer's YANKEES Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 29, 2004, Applicant, Mark A. Sobieski, filed the Application, based on an intent to use, for the word mark SKANKEES in International Class 25 for "t-shirts, jerseys, and caps."

7. Upon information and belief, Applicant did not use the SKANKEES mark prior to his constructive first use date of October 29, 2004.

8. The term "skank" is derogatory and means one who is disgustingly foul, filthy and/or promiscuous. The term "Skankees" combines "skank" and "Yankees" and has been used by haters of Opposer to disparage Opposer's NEW YORK YANKEES club. Upon information and belief, the term "Skankees" is intended to be and will be understood to be an offensive term referring to Opposer's club.

9. Upon information and belief, Applicant's SKANKEES mark is intended to refer to the NEW YORK YANKEES MAJOR LEAGUE BASEBALL team.

10. The goods covered by the Application are identical or closely related to the goods offered and services rendered in connection with Opposer's YANKEES Marks.

11. Applicant's SKANKEES mark so resembles Opposer's YANKEES Marks as to be likely, when applied to Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin

with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's SKANKEES mark.

12. Opposer would be further injured by the granting of a certificate of registration to Applicant for Applicant's SKANKEES mark because such mark would falsely suggest a connection between Applicant and Opposer.

13. Opposer's YANKEES Marks are distinctive and famous and were so prior to October 29, 2004, Applicant's constructive first use date. Registration of Applicant's SKANKEES mark will also injure Opposer by diluting the distinctive quality of Opposer's YANKEES Marks.

14. Registration of Applicant's SKANKEES mark will further injure Opposer because such mark may disparage Opposer and its NEW YORK YANKEES club and/or bring them into contempt or disrepute.

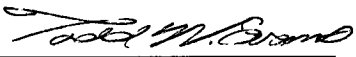
WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's SKANKEES mark and requests that the opposition be sustained and the Application be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Todd W. Evans (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
February 8, 2006

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: 

Mary L. Kevlin
Richard S. Mandel
Todd W. Evans
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